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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

FACEBOOK, INC.,

Plaintiff,

v.

STUDIVZ LTD., HOLTZBRINCK  
NETWORKS GmbH, HOLTZBRINCK  
VENTURES GmbH, and DOES 1-25,

Defendants.

Case No. 5:08-CV-03468 JF  
Assigned To: Hon. Jeremy Fogel

**OBJECTIONS TO DECLARATION OF  
ANNETTE HURST IN SUPPORT OF  
MEMORANDUM IN OPPOSITION TO  
DEFENDANTS' MOTION FOR  
ADMINISTRATIVE RELIEF**

Complaint Filed: July 18, 2008

Defendants StudiVZ Ltd., Holtzbrinck Networks GmbH, and Holtzbrinck Ventures GmbH (collectively, “Defendants”) hereby object to the March 27, 2009 Declaration of Annette Hurst (the “Declaration”) submitted by plaintiff Facebook, Inc. (“Facebook”) in support of Facebook’s Opposition to StudiVZ’s Motion for Administrative Relief, on the following grounds:

1. It is untimely. The opposition to the Motion for Administrative Relief was due on March 24, 2009. Ms. Hurst is Facebook’s counsel. There is no showing of grounds for submitting her declaration late;

2. It is duplicative of other evidence already submitted in the case, including specifically the Declaration of Julio Avalos filed in support of Facebook’s Motion for Sanctions (Docket No. 78) and Exhibit A to the Declaration of Julio Avalos filed in support of Facebook’s January 22, 2009 Motion to Enlarge Time (which is the Reporter’s Transcript of the December 16, 2008 hearing before Magistrate Judge Lloyd) (Docket No. 78-2); and

3. In paragraph 5 of her Declaration, Ms. Hurst purports to characterize the Reporter’s Transcript of what was said during the December 16, 2008 hearing of Defendants’ Motion for Protective Order. That Reporter’s Transcript speaks for itself and is the best evidence of what was said. Defendants would simply respectfully request the Court to read it rather than rely on counsel’s statements about what was said.

DATED: March 27, 2008

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By: /s/ Stephen S. Smith  
STEPHEN S. SMITH  
Attorneys for Defendants studiVZ Ltd.,  
Holtzbrinck Networks GmbH, and Holtzbrinck  
Ventures GmbH

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